

**REMARKS**

**35 USC § 103(a)**

Claims 4 and 5 are rejected under 35 USC § 103(a) as being unpatentable over Bennett et al. (US 6,229,448). The Applicant respectfully disagrees.

Claim 1 recites “a smart container assembly comprising: a) a hermetically sealed storage cavity; b) a monitoring assembly positioned outside of the hermetically sealed storage cavity and including 1) a sensing mechanism; 2) an I/O interface; and 3) a recording mechanism electrically coupled to both the sensing mechanism and the I/O interface for recording data obtained from both the sensing mechanism and the I/O interface, wherein the monitoring assembly is positioned outside of the hermetically sealed storage cavity in an environment that is sealed off from and different than the environment inside of the hermetically sealed storage cavity.” (emphasis added) According to the claim, the storage cavity is hermetically sealed and the monitoring assembly, that includes the sensing mechanism, the I/O interface and the recording mechanism, are located outside the hermetically sealed storage container. Claims 4 and 5 are dependent on and therefore include all of the provisions of independent claim 1 and cannot be read alone without taking into account the provisions of independent claim 1. (See MPEP §608.01 (n))

Bennett et al. (“Bennett”) teaches an intrinsically safe fluid tank overflow protection system that comprises a passive level switch, a transmitter, a repeater and a receiver. The fluid tank overflow system described in Bennett does not comprise a) a hermetically sealed storage cavity; b) a monitoring assembly positioned outside of the hermetically sealed storage cavity and including 1) a sensing mechanism; 2) an I/O interface; and 3) a recording mechanism electrically coupled to both the sensing mechanism and the I/O interface for recording data obtained from both the sensing mechanism and the I/O interface, wherein the monitoring assembly is positioned outside of the hermetically sealed storage cavity in an environment that is sealed off from and different than the environment inside of the hermetically sealed storage cavity. Bennett does not teach, suggest or

motivate one of ordinary skill in the art of container design to produce a hermetically sealed storage cavity and a monitoring assembly that is not hermetically sealed and that is outside of the storage cavity, wherein the monitoring assembly includes a sensing mechanism, an I/O interface, and a recording mechanism, especially given that the sensing mechanism of Bennett must be located inside the tank by the very nature of what the sensing mechanism is monitoring. Furthermore, the sensing mechanism cannot be inserted and removed from the tank without breaking the seal of the tank, as it can in the present application.

Claims 6-9 and 15-17 are rejected under 35 USC § 103(a) as being unpatentable over Bennett et al. (US 6,229,448) in view of Besprozvanny et al. (US 5,627,523). The Applicant respectfully disagrees.

Claim 1 recites “a smart container assembly comprising: a) a hermetically sealed storage cavity; b) a monitoring assembly positioned outside of the hermetically sealed storage cavity and including 1) a sensing mechanism; 2) an I/O interface; and 3) a recording mechanism electrically coupled to both the sensing mechanism and the I/O interface for recording data obtained from both the sensing mechanism and the I/O interface, wherein the monitoring assembly is positioned outside of the hermetically sealed storage cavity in an environment that is sealed off from and different than the environment inside of the hermetically sealed storage cavity.” (emphasis added) According to the claim, the storage cavity is hermetically sealed and the monitoring assembly, that includes the sensing mechanism, the I/O interface and the recording mechanism, are located outside the hermetically sealed storage container. Claims 4 and 5 are dependent on and therefore include all of the provisions of independent claim 1 and cannot be read alone without taking into account the provisions of independent claim 1. (See MPEP §608.01 (n))

Bennett et al. (“Bennett”) teaches an intrinsically safe fluid tank overflow protection system that comprises a passive level switch, a transmitter, a repeater and a receiver. The fluid tank

overflow system described in Bennett does not comprise a) a hermetically sealed storage cavity; b) a monitoring assembly positioned outside of the hermetically sealed storage cavity and including 1) a sensing mechanism; 2) an I/O interface; and 3) a recording mechanism electrically coupled to both the sensing mechanism and the I/O interface for recording data obtained from both the sensing mechanism and the I/O interface, wherein the monitoring assembly is positioned outside of the hermetically sealed storage cavity in an environment that is sealed off from and different than the environment inside of the hermetically sealed storage cavity. Bennett does not teach, suggest or motivate one of ordinary skill in the art of container design to produce a hermetically sealed storage cavity and a monitoring assembly that is not hermetically sealed and that is outside of the storage cavity, wherein the monitoring assembly includes a sensing mechanism, an I/O interface, and a recording mechanism, especially given that the sensing mechanism of Bennett must be located inside the tank by the very nature of what the sensing mechanism is monitoring. Furthermore, the sensing mechanism cannot be inserted and removed from the tank without breaking the seal of the tank, as it can in the present application.

Besprozvanny et al. (US 5,627,523) teaches a liquid level sensor device, particularly adapted for use with corrosive and hazardous liquids, such as oil, for measuring the liquid level in a storage tank or vessel. Besprozvanny does not teach, suggest or motivate one of ordinary skill in the art of container design to produce a hermetically sealed storage cavity and a monitoring assembly that is not hermetically sealed and that is outside of the storage cavity, wherein the monitoring assembly includes a sensing mechanism, an I/O interface, and a recording mechanism.

Therefore, based on a fair reading of Bennett and Bennett in combination with Besprozvanny, one of ordinary skill in the art would not be able to conceive of or design the smart container and methods contained in claim 1 of the present application. In addition, since claim 1 is patentable in view of Bennett, dependent claims 6-9 and 15-17 are also patentable in view of Bennett and in further view of Besprozvanny.

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**REQUEST FOR ALLOWANCE**

Claims 1-17 are pending in this application. The applicant requests allowance of all pending claims.

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By:

Respectfully submitted,

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